IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE EIGHTEENTH DAY OF MARCH TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE **MR. DEVINDER GUPTA, THE CHIEF JUSTICE**

AND

THE HON'BLE MS.JUSTICE: **G.ROHINI**

W.P. No.26886 of 2003

Between:

Md. Mazhar Shaheed.

Petitioner

AND

1. District Collector, Mahabubnagar District having office at Collectorate, Mahabubnagar.
2. A.P. Wakf Board, through its Chief Executive Officer, Having Office at Haj House, Nampally Station Road, Hyderabad.
3. Principal Secretary to Govt. Minority Welfare Dept., Having Office at Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the Respondent No.2 has no right/jurisdiction under the provisions of the Wakf Act of 1995 to transfer any portion or whole of land of Old Idgah of Veerannapet Adm. 5082 Sq. yards under Sy.No. 653 situated at Verranpet, Mahabub Nagar in favour of any person/authority including Respondent No.1 & 3 for the purpose of construction of Shadi Khana and Urdu Ghar or for any other purpose whatsoever as the same is arbitrary, illegal, unconstitutional and in contravention of tenets of Islamic law of Wakf regarding Wakf properties. Consequently this Hon'ble Court may be pleased to restrain all the respondents and their subordinates and persons claiming through and under them from raising construction of Shadi Khana and Urdu Ghar/any other structure on the land of Old Idgah Veerannapet Adm. 5082 Sq.yards under Sy.No. 653 situated at Verranpet, Mahbub Nagar pending disposal of writ petition in the interest of justice.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and the orderS of the High Court dated. 07-01-2004, 28-01-2004 & 19-02-2004 and made herein and upon hearing the arguments of Mr. Mohd. Osman Shaheed, Advocate for the Petitioner and of G.P. for Revenue on behalf of the Respondents 1 & 3 and of Mr. A.M.Qureshi – S.C. for Wakf Board, on behalf of the Respondent No.2.

The Court made the following **ORDER:**

" Learned Counsel for the petitioner has drawn our attention to Memo No. 800/MFC/A.2/96-4, dated. 1-1-1998 issued by the Government of Andhra Pradesh, Minority Welfare Department, clarifying that construction of Urdu Bhavan-cum-Community Centres (Shadi Khanas) is a Government Scheme and the Shadi Khana buildings will be constructed by the Chief Engineer (R&B) as per the approved plan by the Government. As the Shadi Khanas are

being constructed with the Government amount it will be a government property and were directed to immediately transfer government land in favour of Minority Welfare Department for the purpose of constructions of Urdu Bhavan cum Community Centres.

Counter-affidavits are not filed by Respondents Nos. 1 and 3. We allow one last opportunity to them to file counter-affidavits.

List after three weeks. Till then interim order shall continue to remain in operation."

SD/- M.F.QURESHI
ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

To

1. The District Collector, Mahabubnagar District having office at Collectorate, Mahabubnagar.
2. The Chief Executive Officer, A.P. Wakf Board, Having Office at Haj House, Nampally Station Road, Hyderabad.
3. The Principal Secretary to Govt. Minority Welfare Dept., Having Office at Secretariat, Hyderabad.
4. Two CCs to G.P. for Revenue, High Court of A.P.Hyd(OUT)
5. Two spare copies.

SAH